

Calendar No. 1165

92D CONGRESS
2D SESSION

H. R. 12807

[Report No. 92-1219]

IN THE SENATE OF THE UNITED STATES

JULY 27, 1972

Read twice and referred to the Committee on Government Operations

SEPTEMBER 25, 1972

Reported by Mr. McCLELLAN, without amendment

AN ACT

To amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That the Federal Property and Administrative Services
4 Act of 1949 (40 U.S.C. 471 et seq.) is amended by adding
5 at the end thereof the following new title:

6 "TITLE IX—SELECTION OF ARCHITECTS AND
7 ENGINEERS

8 "DEFINITIONS

9 "SEC. 901. As used in this title—

10 "(1) The term 'firm' means any individual, firm, part-

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1 nership, corporation, association, or other legal entity per-
2 mitted by law to practice the professions of architecture or
3 engineering.

4 “(2) The term ‘agency head’ means the Secretary,
5 Administrator, or head of a department, agency, or bureau
6 of the Federal Government.

7 “(3) The term ‘architectural and engineering services’
8 includes those professional services of an architectural or
9 engineering nature as well as incidental services that mem-
10 bers of these professions and those in their employ may
11 logically or justifiably perform.

12 “POLICY

13 “SEC. 902. The Congress hereby declares it to be the
14 policy of the Federal Government to publicly announce all
15 requirements for architectural and engineering services, and
16 to negotiate contracts for architectural and engineering serv-
17 ices on the basis of demonstrated competence and qualifica-
18 tion for the type of professional services required and at fair
19 and reasonable prices.

20 “REQUESTS FOR DATA ON ARCHITECTURAL AND
21 ENGINEERING SERVICES

22 “SEC. 903. In the procurement of architectural and
23 engineering services, the agency head shall encourage firms
24 engaged in the lawful practice of their profession to submit
25 annually a statement of qualifications and performance data.

1 The agency head, for each proposed project, shall evaluate
2 current statements of qualifications and performance data on
3 file with the agency, together with those that may be sub-
4 mitted by other firms regarding the proposed project, and
5 shall conduct discussions with no less than three firms re-
6 garding anticipated concepts and the relative utility of alter-
7 native methods of approach for furnishing the required serv-
8 ices and then shall select therefrom, in order of preference,
9 based upon criteria established and published by him, no
10 less than three of the firms deemed to be the most highly
11 qualified to provide the services required.

12 "NEGOTIATION OF CONTRACTS FOR ARCHITECTURAL AND
13 ENGINEERING SERVICES

14 "SEC. 904. (a) The agency head shall negotiate a con-
15 tract with the highest qualified firm for architectural and
16 engineering services at compensation which the agency
17 head determines is fair and reasonable to the Government.
18 In making such determination, the agency head shall take
19 into account the estimated value of the services to be ren-
20 dered, the scope, complexity, and professional nature thereof.

21 "(b) Should the agency head be unable to negotiate a
22 satisfactory contract with the firm considered to be the most
23 qualified, at a price he determines to be fair and reasonable
24 to the Government, negotiations with that firm should be for-
25 mally terminated. The agency head should then undertake

1 negotiations with the second most qualified firm. Failing
2 accord with the second most qualified firm, the agency head
3 should terminate negotiations. The agency head should then
4 undertake negotiations with the third most qualified firm.

5 “(c) Should the agency head be unable to negotiate a
6 satisfactory contract with any of the selected firms, he shall
7 select additional firms in order of their competence and
8 qualification and continue negotiations in accordance with
9 this section until an agreement is reached.”

Passed the House of Representatives July 26, 1972.

Attest:

W. PAT JENNINGS,

Clerk.

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